IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION No. 155 of 2005**

Between:

1 Vanathadupula Dubbaiah, S/o Buchirajam, aged 60 years,

Occ: Carpenter, R/o H.No. 2-6-138, Srinivasa Road,

Korutla Proper and Mandal, Karimnagar District.
2 Vanathadupula Shankara Vara Prasad, S/o Dubbaiah,
R/o H.No. 2-6-138, Srinivasa , Korutla Proper and Mandal,

Karimnagar District.

**..... PETITIONERS**

AND

1 The Koratla Municipality, Rep. by its Commissioner,
Koratla Proper and Mandal, Karimnagar District.
2 Shikari Raju Bai, W/o Dattatri,
r/o 5-2-162, LIC Colony, Koratla Proper and Mandal,

Karimnagar District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent No.1 in issuing a proceeding for collection a fee of Rs. 3105/- from a person no more and upon payment of the said amount by the respondent No.2 allotting renewal Municipal number by giving a new Municipal Number 1-1-1142/1 in place of old Number 1-1-214 which was allotted to one Tukkaram ( who is no more) for a hut in our land admeasuring 0.8 guntas in Sy.No. 88/E situated at with in the limits of Koratla Municipality as arbitrary, illegal, null and void and violative of provisions of the A.P. Municipalties Act and also violative of the Articles 14, 19 , 21 and 300-Aof the constitution of India, consequently direct the respondent No.1 to cancel the said new Municipal number 1-1-1142/1 allotted to the

respondent No.2 for a hut which is not at all existing and is concern with our land admeasuring 0.8 guntas in Sy.No. 88/E situated at with in the limits of Koratla Municipality considering our representation dated 27-11-2004 and to pass such other order or orders

**Counsel for the Petitioners: MR.K.VENUMADHAV**

**Counsel for the Respondent No.1: MR.P.RADHAKRISHNA**

**The Court made the following:**

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**ORDER:**

The petitioners approached this Court through this writ petition seeking a mandamus declaring the action of the

1st respondent-Municipality in assigning municipal assessment number to the house of the 2nd respondent, as illegal and arbitrary.

The petitioners claim to be absolute owners and possessors of the land admeasuring Ac. 0.08 guntas in S.No.88/22 of Korutla village. It is alleged that one Tukkaram, the father of the 2nd respondent having encroached 26 square yards of said land, belonging to the petitioners, constructed a hut therein and obtained municipal assessment number, and after his death in 1993, the land was vacant. While so, the petitioners state that on their coming to know that the 2nd respondent applied to the 1st respondent requesting renewal of the municipal assessment number, they filed objections, but it is the case of the petitioners that the 1st respondent without considering their objections, issued notice calling upon the father of the 2nd respondent, who is no more, to pay a sum of Rs.3,105/-, for assigning new municipal assessment number, and pursuant to the said notice, the 2nd respondent paid the amount and obtained the new municipal assessment. Aggrieved by this action of the 1st respondent in allotting new municipal assessment number to the 2nd respondent without considering the objections raised by them, the petitioners filed this writ petition to declare the impugned action of the 1st respondent as illegal and arbitrary.

Heard the learned counsel for petitioner and learned Standing Counsel for first respondent. Both counsel agreed for disposal of the writ petition at the admission stage.

To maintain statistics of housing, water connections, electric connections etc., and to have a fair account of the revenues that can be generated through various sources of levy of taxes, the assessment numbers are assigned to houses, in a Gram Panchayat or Municipality or Muncipal Corporation area. Under the A.P. Municipalities Act, 1965, the municipal authorities are empowered to assign municipal assessment numbers to the constructions made within the jurisdiction of a municipality, for the purpose of levy of house tax. Though the petitioners contend that after the death of Tukkaram in 1993, the land encroached by him was vacant, it is not known why the petitioners had not taken any steps to get their names mutated against the land in question. Admittedly, in the records maintained by the Municipality, as against the hut in question, even though Tukkaram died, yet the

municipal assessment stands in his name, and therefore, when a request for assignment of new municipal number was made by the 2nd respondent in respect of the hut in question, and as the municipal assessment number was standing in the name of Tukkaram, the Municipality issued notice to Tukkaram calling upon him to pay the amount mentioned therein, and the 2nd respondent, being his daughter, having paid the same, got the new municipal assessment number allotted in her favour, and no exception can be taken thereto, and more so on the ground that the 1st respondent could not have called upon a dead person to pay the amounts. If according to the petitioners, their land belonging to them, namely the land in question, is under the encroachment of the 2nd respondent, the remedy available to them is to approach the competent civil Court and get her evicted, but certainly, they cannot find fault with the action of the 1st respondent-Municipality in assigning new municipal assessment number to the 2nd respondent, and more so on the grounds pleaded in the writ petition.

For the foregoing reason, I see no merits in the present writ petition. Accordingly, the Writ Petition is dismissed. No order as to costs.

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Dated: 18.01.2005

Note:

Issue CC in 3 days

B/o.

dsr/nsr.

ASSISTANT REGISTRAR

To:

1. The Commissioner,

The Karatla Municipality,

Koratla Proper and Mandal,

Karimnagar District

2. Two CD copies